

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.706 of 2022**

Arising Out of PS. Case No.-122 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

Prahalad Kumar Prasad @ Sonu Son of Late Mahendra Prasad Mahto @ Late Mahendar Prasad R/O Village- Panchi, P.S.- Sheikhopur Sarai (SHEKHOPUR Sarai), District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Bharat Majhi Son of Late Dinesh Majhi Resident of village- Panchi, P.S.- Shekhopur Sarai, Dist- Sheikhpura

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bharat Lal, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-09-2022 1. Heard learned counsel for the appellant and learned Special P.P. for the State on point of admission and on merit also.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 15.02.2022 passed by the learned Additional Sessions Judge, (SC/ST), Sheikhopur in connection with Sheikhopur Sarai P.S. Case No. 122 of 2021 registered under Sections 147, 148, 149, 302, 504 and 506 of the Indian Penal Code and under Sections 3 (1) (r) (s) and 3(2) (V) of SC/ST Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon



but informant failed to join present proceeding.

5. Appellant is named in F.I.R. and is in custody since 12.01.2022.

6. The allegation against the appellant is to commit murder of father of the informant, along with other co-accused persons, by causing fire arm injuries for previous enmities.

7. Learned counsel for the appellant submitted that the present F.I.R. lodged after conducting post-mortem, creating a doubt over entire allegation. It is further submitted that there is no occasion to murder the father of the informant, as F.I.R. suggests that appellant had in illicit relation with wife of one Anandi Majhi. It is further submitted that act of appellant cannot be said to be an atrocities within the meaning of act. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet is submitted and, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. for the State, while opposing the prayer of bail, submitted that informant specifically, claimed through F.I.R. that he is an eye witness of the occurrence, where he found that



it was appellant, who fired upon informant's father, causing his death.

10. In view of the facts and circumstances, as mentioned above, as allegation of firing upon father of the informant, causing his death, is available against the appellant, where informant is the eye witness of the occurrence, this Court is not inclined to grant bail to the appellant, at present.

Accordingly, prayer of bail of the appellant is rejected herewith.

11. Learned Trial Court is directed to proceed with the matter, by taking it on board, if required, on daily basis, so as trial may conclude within nine months of receipt of this order.

12. Superintendent of Police, Sheikhopur is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as directed above.

13. Hence, appeal stands dismissed.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

